

RD AN No. 4415 (1924-A)
December 23, 2008

TO: Rural Development State Directors

ATTN: All Rural Housing Staff, State Architects,
Engineers, Construction Analysts and Inspectors
Rural Development Managers
Community Development Managers

FROM: Russell T. Davis (*Signed by Russell T. Davis*)
Administrator
Rural Housing Service

SUBJECT: Acceptance of Termite Forms

PURPOSE/INTENDED OUTCOME:

The purpose of this Administrative Notice (AN) is to instruct and inform Rural Development staff on the use and acceptance of the following National Pest Management Association's (NPMA) forms used in the Rural Housing Service programs: Reference: <http://www.pestworld.org/>

- Form **NPCA-99A**, Subterranean Termite Soil Treatment Builder's Guarantee
- Form **NPCA-99B**, New Construction Subterranean Termite Soil Treatment Record
- Form **NPMA-33**, Wood Destroying Insect Infestation Inspection Report

COMPARISON WITH PREVIOUS AN:

This AN updates RD AN No. 4323 (1924-A) dated December 18, 2007, which will expire on December 31, 2008. Contact information for the National Pest Management Association has been updated.

EXPIRATION DATE:
December 31, 2009

FILING INSTRUCTIONS:
Preceding RD Instruction 1924-A

BACKGROUND:

The U.S. Department of Housing and Urban Development's (HUD) form HUD 92052, Termite Soil Treatment Guarantee is obsolete. Therefore, in those areas subject to termite damage Rural Development will accept the NPMA forms to show either chemical soil treatment against termites or physical control measures have been provided for new construction or a certification inspection and any needed remediation has been performed for existing construction. Forms NPCA-99A and 99B are the product of input and negotiations between the pest control industry, state regulators, HUD, the U.S. Department of Veteran Affairs, and the National Association of Home Builders.

IMPLEMENTATION RESPONSIBILITIES:

New Construction – Single Family Housing Direct (SFH) and Multi-Family Housing (MFH)

The requirements of this AN for new construction are only applicable in jurisdictions where applicable building codes require treatment to prevent termite infestation.

Except as specifically prohibited, forms NPCA-99A and 99B must be used together. These NPCA forms will properly inform Rural Development and the applicant as to the type of guarantee issued by the builder. The forms will also provide information on actual work performed by the licensed pest control operator (PCO) to reduce the chances of infestation by subterranean termites. The forms clearly delineate the responsibilities of the builder and PCO. If the structure was not treated by liquid soil treatment prior to backfill of the foundation, then use NPCA-99A for documentation purposes, noting the type of prevention method used (bait most likely in this situation). Alternately, a post construction soil treatment may be used or if there is exposed wood such as a crawlspace, then a borate treatment can be used. Regardless, if soil treatment was not performed during the construction process, form NPCA-99A should still be used by the builder accompanied by a service ticket, in lieu of form NPCA-99B.

If a professional soil treatment is done at anytime, the licensed pest control company must complete NPCA-99B. If treatment is completed prior to the completion of construction, the form must be used as an attachment to the builder's form, NPCA-99A. If the NPCA-99B is completed post construction the NPCA-99B will be submitted to Rural Development as a supplement to the already submitted NPCA-99A and service ticket. The builder is responsible for distributing the completed forms. If a state or local jurisdiction has more stringent record keeping requirements than the NPCA-99B, then the state or local form may be accepted in place of the NPCA-99B. The state or local form would be attached to the NPCA-99A.

Forms NPCA-99A and 99B, original or copies, must be part of the construction section of the case file.

Existing Construction – SFH Direct and MFH

Form NPMA-33, Wood Destroying Insect Infestation Inspection Report, will be accepted as certification that an existing structure is free from wood destroying insects. A state form is acceptable in those states that require the use of a state form in all transactions. For Rural Development purposes, Form NPMA-33 or state forms will be valid for 90 days from the date of the inspection.

If the inspector's statement or other information indicates structural damage due to insect infestation, evidence must be provided that the damage was properly corrected and the dwelling treated prior to loan closing.

Sample copies of the NPMA forms are attached. Forms NPCA-99A, NPCA-99B and NPMA-33 are not Rural Development forms but NPCA-99A and NPCA-99B are available for free download from the HUD website at www.hud.gov. These forms are also available for purchase by builders and PCO's through the National Pest Management Association, 10460 North Street, Fairfax, VA 22030, phone (703) 352-6762, fax (703) 352-3031 or from the NPMA website at <http://www.pestworld.org/>.

Please direct all questions pertaining to this notice to William Downs, Architect, Program Support Staff at (202) 720-1499.

Attachments:

1. NPMA-33
2. NPCA-99A
3. NPCA-99B

Wood Destroying Insect Inspection Report

Notice: Please read important consumer information on page 2.

Section I. General Information

Inspection Company, Address & Phone

Company's Business Lic. No.

Date of Inspection

Address of Property Inspected

Inspector's Name, Signature & Certification, Registration, or Lic. #

Structure(s) Inspected

Section II. Inspection Findings

This report is indicative of the condition of the above identified structure(s) on the date of inspection and is not to be construed as a guarantee or warranty against latent, concealed, or future infestations or defects. **Based on a careful visual inspection of the readily accessible areas of the structure(s) inspected:**

- ☐ **A. No visible** evidence of wood destroying insects was observed.
- ☐ **B. Visible** evidence of wood destroying insects was observed as follows:

- ☐ 1. Live insects (description and location): _____
- ☐ 2. Dead insects, insect parts, frass, shelter tubes, exit holes, or staining (description and location): _____
- ☐ 3. **Visible** damage from wood destroying insects was noted as follows (description and location): _____

NOTE: This is not a structural damage report. If box B above is checked, it should be understood that some degree of damage, including hidden damage, may be present. If any questions arise regarding damage indicated by this report, it is recommended that the buyer or any interested parties contact a qualified structural professional to determine the extent of damage and the need for repairs.

Yes ☐ No ☐ It appears that the structure(s) or a portion thereof may have been previously treated. Visible evidence of possible previous treatment: _____

The inspecting company can give no assurances with regard to work done by other companies. The company that performed the treatment should be contacted for information on treatment and any warranty or service agreement which may be in place.

Section III. Recommendations

- ☐ No treatment recommended: (Explain if Box B in Section II is checked) _____
- ☐ Recommend treatment for the control of: _____

Section IV. Obstructions and Inaccessible Areas

The following areas of the structure(s) inspected were obstructed or inaccessible:

- ☐ Basement _____
- ☐ Crawlspace _____
- ☐ Main Level _____
- ☐ Attic _____
- ☐ Garage _____
- ☐ Exterior _____
- ☐ Porch _____
- ☐ Addition _____
- ☐ Other _____

The inspector may write out obstructions or use the following optional key:

- | | |
|-------------------------|--|
| 1. Fixed ceiling | 13. Only visual access |
| 2. Suspended ceiling | 14. Cluttered condition |
| 3. Fixed wall covering | 15. Standing water |
| 4. Floor covering | 16. Dense vegetation |
| 5. Insulation | 17. Exterior siding |
| 6. Cabinets or shelving | 18. Window well covers |
| 7. Stored items | 19. Wood pile |
| 8. Furnishings | 20. Snow |
| 9. Appliances | 21. Unsafe conditions |
| 10. No access or entry | 22. Rigid foam board |
| 11. Limited access | 23. Synthetic stucco |
| 12. No access beneath | 24. Duct work, plumbing, and/or wiring |

Section V. Additional Comments and Attachments (these are an integral part of the report)

Attachments _____

Signature of Seller(s) or Owner(s) if refinancing. Seller acknowledges that all information regarding W.D.I. infestation, damage, repair, and treatment history has been disclosed to the buyer.

X

Signature of Buyer. The undersigned hereby acknowledges receipt of a copy of both page 1 and page 2 of this report and understands the information reported.

X

Important Consumer Information Regarding the Scope and Limitations of the Inspection

Please read this entire page as it is part of this report. This report is not a guarantee or warranty as to the absence of wood destroying insects nor is it a structural integrity report. The inspector's training and experience do not qualify the inspector in damage evaluation or any other building construction technology and/or repair.

- 1. About the Inspection:** A visual inspection was conducted in the readily accessible areas of the structure(s) indicated (see Page 1) including attics and crawlspaces which permitted entry during the inspection. The inspection included probing and/or sounding of unobstructed and accessible areas to determine the presence or absence of visual evidence of wood destroying insects. The WDI inspection firm is not responsible to repair any damage or treat any infestation at the structure(s) inspected, except as may be provided by separate contract. Also, wood destroying insect infestation and/or damage may exist in concealed or inaccessible areas. The inspection firm cannot guarantee that any wood destroying insect infestation and/or damage disclosed by this inspection represents all of the wood destroying insect infestation and/or damage which may exist as of the date of the inspection. ***For purposes of this inspection, wood destroying insects include: termites, carpenter ants, carpenter bees, and reinfesting wood boring beetles. This inspection does not include mold, mildew or noninsect wood destroying organisms.*** This report shall be considered invalid for purposes of securing a mortgage and/or settlement of property transfer if not used within ninety (90) days from the date of inspection. ***This shall not be construed as a 90-day warranty. There is no warranty, express or implied, related to this report unless disclosed as required by state regulations or a written warranty or service agreement is attached.***
- 2. Treatment Recommendation Guidelines Regarding Subterranean Termites:** FHA and VA require treatment when any active infestation of subterranean termites is found. If signs of subterranean termites — but no activity — are found in a structure that shows no evidence of having been treated for subterranean termites in the past, then a treatment should be recommended. A treatment may also be recommended for a previously treated structure showing evidence of subterranean termites — but no activity — if there is no documentation of a liquid treatment by a licensed pest control company within the previous five years unless the structure is presently under warranty or covered by a service agreement with a licensed pest control company.
- 3. Obstructions and Inaccessible Areas:** No inspection was made in areas which required the breaking apart or into, dismantling, removal of any object, including but not limited to: moldings, floor coverings, wall coverings, siding, fixed ceilings, insulation, furniture, appliances, and/or personal possessions; nor were areas inspected which were obstructed or inaccessible for physical access on the date of inspection. Your inspector may write out inaccessible areas or use the key in Section IV. Crawl spaces, attics, and/or other areas may be deemed inaccessible if the opening to the area is not large enough to provide physical access for the inspector or if a ladder was required for access. Crawl spaces (or portions thereof) may also be deemed inaccessible if there is less than 24 inches of clearance from the bottom of the floor joists to the surface below. If any area which has been reported as inaccessible is made accessible, the inspection company may be contacted for another inspection. An additional fee may apply.
- 4. Consumer Maintenance Advisory Regarding Integrated Pest Management for Prevention of Wood Destroying Insects.** Any structure can be attacked by wood destroying insects. Homeowners should be aware of and try to eliminate conditions which promote insect infestation in and around their structure(s). Factors which may lead to wood destroying insect infestation include: earth to wood contact, foam insulation at foundation in contact with soil, faulty grade, improper drainage, firewood against structure(s), insufficient ventilation, moisture, wood debris in crawlspace, wood mulch or ground cover in contact with the structure, tree branches touching structure(s), landscape timbers and wood decay. Should these or other conditions exist, corrective measures should be taken in order to reduce the chances of infestation of wood destroying insects and the need for treatment.
- 5. Neither the inspecting company nor the inspector has had, presently has, or contemplates having any interest in the property inspected.**

Subterranean Termite Soil Treatment Builder's Guarantee

OMB Approval No. 2502-0525
(exp. 10/31/2005)

This form is completed by the builder.

Public reporting burden for this collection of information is estimated to average 5 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This information is mandatory and is required to obtain benefits. HUD may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number. Section 24 CFR 200.926d(b)(3) requires that the sites for HUD insured structures must be free of termite hazards. This information collection requires a licensed Pest Control company to provide the builder a record of specific treatment information in those cases when the soil treatment method is used for prevention of subterranean termite infestation. When applicable, form HUD-NCPA-99-B must accompany the form HUD-NCPA-99-A. Builders, pest control companies, mortgage lenders, homebuyers, and HUD as a record of treatment for specific homes will use the information collected. The information is not considered confidential.

This form is submitted for proposed (new) construction cases when soil treatment for prevention of subterranean termite infestation is specified by the builder or required by the lender, the architect, FHA or VA.

This form is to be completed by the builder. This guarantee is issued by the builder to the buyer. This guarantee is not to be considered as a waiver of, or in place of, any legal rights or remedies that the buyer may have against the builder.

INFORMATION ONLY

FHA/VA Case No.: _____

Location of Structure(s) (Street Address, or Legal Description, City, State and Zip): _____

NOT FOR PUBLIC RELEASE

Buyer's Name: _____

The undersigned builder hereby certifies that a State licensed or otherwise authorized pest control company (where required by State law) was contracted to treat the property at the location referenced above for subterranean termites. The builder further certifies that the contract with the pest control company required the treatment materials and methods used to be in conformance with all applicable State and Federal requirements. All work required by the contract has been completed. Where not prohibited by applicable State requirements, the buyer, for an additional fee payable to the pest control company, may extend the protection against subterranean termites. Contact the pest control company listed on the attachment for further information.

The builder hereby guarantees that, if subterranean termite infestation should occur within one year from the date of closing, the builder will ensure that a licensed or otherwise State authorized pest control company (where required by State law) or other qualified licensed pest control company will further treat as necessary in the infested area to control infestations in the structure. This further treatment will be without cost to the buyer. If permitted by State law, the buyer may contract directly, at the buyer's expense, with a pest control company to inspect the property on a periodic basis and/or use EPA registered products to control the infestation. The builder will not be responsible for guaranteeing such additional treatment. The builder further agrees to repair all damage by subterranean termites within the one-year builder's warranty period. This guarantee does not apply to additions or alterations that are made by the buyer, which affects the original structure or treatment. Examples include, but are not limited to, landscape and mulch alterations, which disturb the treated area and create new subterranean termite hazards, or interfere with the control measures.

If within the guarantee period the builder questions the validity of a claim by the buyer, the claim will be investigated by an unbiased expert mutually agreeable to the buyer and builder. The report of the expert will be accepted as the basis for disposition of the case. The non-prevailing party will pay the cost of any inspections made to investigate the claim. For further information, contact your State structural pest control regulatory agency.

Type of Treatment: ☐ Bait System

☐ Wood

☐ Soil (HUD-NPCA-99-B required)

Note: Appropriate treatment record must be attached and listed.

Attachments: _____

Builder's Company Name: _____ Phone No.: _____

Authorized Signature: _____ Date: _____

Consumer Maintenance Advisory regarding Integrated Pest Management for Prevention of Wood Destroying Insects. Information regarding prevention of wood destroying insect infestation is helpful to any property owner interested in protecting the structure from infestation. Any structure can be attacked by wood destroying insects. Periodic maintenance should include measures to minimize possibilities of infestation in and around a structure. Factors which may lead to infestation from wood destroying insects include foam insulation at foundation, earth-wood contact, faulty grade, firewood against structure, insufficient ventilation, moisture, wood debris in crawl space, wood mulch, tree branches touching structures, landscape timbers, and wood rot. Should these or other such conditions exist, corrective measure should be taken by the owner in order to reduce the chances of infestations by wood destroying insects, and the need for treatment.

An original and one copy of this guarantee are to be prepared by the builder and sent to the lender. The lender provides one copy to the buyer at closing and includes a copy in the VA loan package or HUD insurance case binder. The builder sends one copy to the licensed pest control company which performed the treatment.

Attached is a copy of the state authorized pest control company's New Construction Subterranean Termite Soil Treatment Record, HUD-NPCA-99-B.

Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012:31 U.S.C. 3729.3802)

New Construction Subterranean Termite Soil Treatment Record

OMB Approval No. 2502-0525
(exp. 10/31/2005)

This form is completed by the licensed Pest Control Company

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This information is mandatory and is required to obtain benefits. HUD may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number.

Section 24 CFR 200.926d(b)(3) requires that the sites for HUD insured structures must be free of termite hazards. This information collection requires the builder to certify that an authorized Pest Control company performed all required treatment for termites, and that the builder guarantees the treated area against infestation for one year. Builders, pest control companies, mortgage lenders, homebuyers, and HUD as a record of treatment for specific homes will use the information collected. The information is not considered confidential.

This report is submitted for informational purposes to the builder on proposed (new) construction cases when soil treatment for prevention of subterranean termite infestation is specified by the builder, architect, or required by the lender, architect, FHA, or VA.

All contracts for services are between the Pest Control Operator and builder, unless stated otherwise.

Section 1: General Information (Treating Company Information)

Company Name: _____

Company Address _____ City _____ State _____ Zip _____

Company Business License No. _____ Company Phone No. _____

FHA/VA Case No. (if any) _____

Section 2: Builder Information

Company Name _____ Phone No. _____

Section 3: Property Information

Location of Structure (s) Treated (Street Address or Legal Description, City, State and Zip)

Type of Construction (More than one box may be checked) ☐ Slab ☐ Basement ☐ Crawl ☐ Other _____

Approximate Depth of Footing: Outside _____ Inside _____ Type of Fill _____

Section 4: Treatment Information

Date(s) of Treatment(s) _____

Brand Name of Product(s) Used _____

EPA Registration No. _____

Approximate Final Mix Solution % _____

Approximate Size of Treatment Area: Sq. ft. _____ Linear ft. _____ Linear ft. of Masonry Voids _____

Approximate Total Gallons of Solution Applied _____

Was treatment completed on exterior? ☐ Yes ☐ No

Service Agreement Available? ☐ Yes ☐ No

Note: Some state laws require service agreements to be issued. This form does not preempt state law.

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INFORMATION ONLY

Attachments (List) _____

Comments _____

Name of Applicator(s) _____

Certification No. (if required by State law) _____

The applicator has used a product in accordance with the product label and state requirements. All treatment materials and methods used comply with state and federal regulations.

Authorized Signature _____

Date _____

Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)